



January 25, 2012

SENATE BILL No. 61

DIGEST OF SB 61 (Updated January 23, 2012 1:38 pm - DI 109)

Citations Affected: IC 14-18.

Synopsis: Leasing of state property. Allows the sale of alcoholic beverages on the premises of an inn or dining room owned or leased by the department of natural resources.

Effective: July 1, 2012.

Tallian, Charbonneau

January 4, 2012, read first time and referred to Committee on Rules and Legislative Procedure.

January 12, 2012, amended; reassigned to Committee on Agriculture and Natural Resources.

January 24, 2012, reported favorably — Do Pass.

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SB 61—LS 6132/DI 13+



January 25, 2012

Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

SENATE BILL No. 61

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-18-2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) As used in this
3 section, "inn" means a public facility that has the following:

4 (1) At least twenty (20) rooms for the accommodation of
5 overnight guests.

6 (2) A dining room that offers table service for at least forty (40)
7 individuals at one (1) time during normal dining hours.

8 (b) A lease and contract authorized by this chapter must include in
9 its terms the following provisions and conditions:

10 (1) The legal description of the leasehold. A survey for the
11 description is not required.

12 (2) The term of the lease. The term may not exceed forty (40)
13 years with two (2) additional options to renew of thirty (30) years
14 each.

15 (3) Provision for the submission of complete plans and
16 specifications to the department for review and written approval
17 before beginning any construction.

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(4) The manner of payment of rental.

(5) The facilities provided will be available to the public without discrimination and at charges designed to make the facilities available to a maximum number of the citizens of Indiana.

(6) That the rates and fees charged for goods and services on the leased area will be in accord with those charged at similar developments in the area.

(7) The disposition of the leasehold and improvements at the termination of the lease.

(8) If the lease and contract concerns state owned land under the management and control of the department, including state parks, a prohibition on the sale or public display of alcoholic beverages on the premises. **However, the lease and contract may permit the retail sale of alcoholic beverages on the premises of an inn or dining room:**

(A) for consumption on the licensed premises; and

(B) if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(9) If the lease and contract concerns federally owned land under the control and management of the department, the lease and contract may permit the retail sale of alcoholic beverages on the premises of an inn:

(A) for consumption on the licensed premises; and

(B) if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(c) A lease and contract may prescribe other terms and conditions that the department considers necessary and advisable to carry out the intent and purposes of this chapter.

SECTION 2. IC 14-18-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A lease and contract authorized by section 2 of this chapter must include in its terms the following provisions and conditions:

(1) The legal description of the leasehold.

(2) The term of the lease, which may not exceed forty (40) years.

(3) A stipulation that the lessor shall build and maintain access roads to a lodging and food facility constructed and operated by the lessee.

(4) Specifications controlling the construction of any lodging and food facility to be constructed and operated by a lessee that state the following:

(A) The number and size of sleeping rooms and bathroom facilities.

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- 1 (B) The size and capacity of the kitchen and dining facilities.
- 2 (C) The size of patio, lobby, lounge, and meeting room areas.
- 3 (D) The type and quality of construction.
- 4 (E) Other criteria and specifications that the department
- 5 considers necessary and advisable.
- 6 (5) The manner of payment of rental.
- 7 (6) A stipulation that the department has control and supervision
- 8 over the following:
- 9 (A) The maximum rates to be charged guests using the lodging
- 10 and food facility.
- 11 (B) The sanitary conditions of the facility.
- 12 (C) The quality of food and service furnished the guests of the
- 13 facility.
- 14 (D) The structural maintenance of the facility.
- 15 (7) The disposition of the leasehold and improvements at the
- 16 expiration of the lease.
- 17 ~~(8) A prohibition on the sale of alcoholic beverages on the~~
- 18 ~~premises.~~
- 19 (b) The lease and contract may prescribe other terms and conditions
- 20 that the department considers necessary and advisable to carry out the
- 21 intent and purposes of this chapter.

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 61, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Agriculture and Natural Resources.

(Reference is to SB 61 as introduced.)

LONG, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill No. 61, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 61 as printed January 13, 2012.)

MISHLER, Chairperson

Committee Vote: Yeas 9, Nays 1.

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